

Remarks

The following remarks are provided in response to the Office Action mailed 30 November 2004. These remarks are intended to be supplemental to, and considered in connection with, the Amendment filed on 06 July 2004. The 30 November 2004 Office Action alleged that the Amendment filed in this matter on 06 July 2004 was not fully responsive to the prior Office Action, which was dated 25 March 2004. In particular, the 30 November 2004 Office Action alleged that the 06 July 2004 Amendment failed to include remarks pointing out specific distinctions believed to render added new claim(s) 31-40 patentable over the applied references and failed to point out why new claims 31 and 32 should not be rejected under 35 U.S.C. 101. Applicant was given one month within which to respond.

Claims 31-32 depend from claim 1. The 25 March 2004 Office Action had rejected claim 1 under 35 U.S.C. §101 and under 35 U.S.C. §102(b) as being anticipated by *Levine*, et. al. (WO95/12169, hereinafter "*Levine*"). Claim 1 is believed to be allowable for reasons fully set forth in the Amendment filed on 06 July 2004. To summarize, claim 1 clearly recites a connection to the technological arts because the defined method is a "data processing" method and is "performed in a data processing system." Thus, claim 1 is allowable under 35 U.S.C. §101. In addition, claim 1 recites the element of "setting the currency for association with the payment card transaction as the determined operating currency for the identifier code," and this transaction-currency-setting feature is neither disclosed nor suggested by *Levine*, either alone or in combination with the other prior art of record. Thus, claim 1 is allowable under 35 U.S.C. §102(b). Since claims 31-32 depend from claim 1, all

limitations of claim 1 are incorporated into each of claims 31-32. Accordingly, claims 31-32 are believed to be allowable under 35 U.S.C. §101 and 35 U.S.C. §102(b) (or 35 U.S.C. §103) for the same reasons set forth in the 06 July 2004 Amendment with respect to Claim 1.

Claims 33-34 depend from claim 10. The 25 March 2004 Office Action had rejected claim 10 under 35 U.S.C. §102(b) as being anticipated by *Levine*. Claim 10 is believed to be allowable for reasons set fully set forth in the Amendment filed on 06 July 2004. To summarize, claim 10 recites "means for setting the currency for association with the payment card transaction as the determined operating currency for the issuer code," and this transaction-currency-setting feature is neither disclosed nor suggested by *Levine*, either alone or in combination with the other prior art of record. Since claims 33-34 depend from claim 10, all limitations of claim 10 are incorporated into each of claims 33-34. Accordingly, claims 33-34 are believed to be allowable 35 U.S.C. §102(b) (or 35 U.S.C. §103) for the same reasons set forth in the 06 July 2004 Amendment with respect to Claim 10.

Claims 35-36 depend from claim 23. The 25 March 2004 Office Action had rejected claim 23 under 35 U.S.C. §102(b) as being anticipated by *Levine*. Claim 23 is believed to be allowable for reasons set fully set forth in the Amendment filed on 06 July 2004. To summarize, claim 23 recites "a computer code section which when executed on the computing device sets the currency for association with the payment card transaction as the determined operating currency for the issuer code," and this transaction-currency-setting feature is neither disclosed nor suggested by *Levine*, either alone or in combination with the other prior art

of record. Since claims 35-36 depend from claim 23, all limitations of claim 23 are incorporated into each of claims 35-36. Accordingly, claims 35-36 are believed to be allowable under 35 U.S.C. §102(b) (or 35 U.S.C. §103) for the same reasons set forth in the 06 July 2004 Amendment with respect to Claim 23.

Claim 37 is an independent claim. Claim 37 recites the transaction-currency-setting feature using slightly different language than recited in claims 1, 10, or 23. In particular, claim 37 recites "indicating said operating currency as being a preferred currency of exchange for said financial transaction". According to *Levine*, all transactions take place using only one fixed merchant currency. No capability exists for using any other currency in the transaction or for setting the transaction currency to any currency other than the merchant's currency. The transaction-currency-setting feature of claim 37 is neither disclosed nor suggested by *Levine*, either alone or in combination with the other prior art of record. Accordingly, claim 37 is allowable under 35 U.S.C. §102(b) and 35 U.S.C. §103.

Claims 38-40 depend from claim 37, either directly or indirectly. Since claims 38-40 depend, either directly or indirectly, from claim 37, all limitations of claim 37 are incorporated into each of claims 38-40. Accordingly, claims 38-40 are believed to be allowable 35 U.S.C. §102(b) (or 35 U.S.C. §103) for the same reasons that claim 37 is allowable.

Applicant believes that the foregoing remarks, when considered in connection with the 6 July 2004 Amendment are fully responsive to the rejections and/or objections recited in the 25 March 2004 and 30 November 2004 Office Actions and that the present application is now in a condition for allowance.

Accordingly, reconsideration of the present application is respectfully requested. The below-listed attorney of record would welcome a call from the examiner when this matter is taken up for reconsideration for a speedy resolution of any outstanding issues, should there be any.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lowell W. Gresham", written in black ink. The signature is fluid and extends to the right with a long horizontal stroke.

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